

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America
v.
ROLFI AMBRORIX RODRIGUEZ LOPEZ

Case No. 19-303-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 15, 2019 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. 1326(a)

Rolfi Ambriorix Rodriguez-Lopez, an alien, and native and citizen of the Dominican Republic, who had previously been deported from the United States on or about December 3, 2013, and January 20, 2015, was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the Attorney General or his successor, the Secretary for the Department of Homeland Security, for permission to reapply for admission, and without receiving in response the express consent to reapply.

This criminal complaint is based on these facts:

See Attached Affidavit of Probable Cause

☒ Continued on the attached sheet.


Complainant's signature

Alexander Dimedio, Special Agent DEA

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/22/19

City and state:

Philadelphia, PA


Judge's signature

MARILYN HEFFLEY, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

1. I, Alexander M. DiMedio, am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served as a Deportation Officer with ICE since September 26, 2015. As a Deportation Officer, I conduct investigations related to violations of the Immigration and Nationality Act, specifically foreign-born nationals who have been deported from the United States and subsequently re-entered the United States illegally. I am currently assigned to the ICE Enforcement and Removal Operations Philadelphia, Pennsylvania Field Office and my duties include investigating violations of Title 8 of the United States Code (“U.S.C”) to include violations of immigration offenses.

2. I have prepared this affidavit in support of a criminal complaint against ROLFI AMBIORIX RODRIGUEZ-LOPEZ, (“RODRIGUEZ-LOPEZ”), a/k/a “Rolfi Rodriguez” because there is probable cause to believe RODRIGUEZ-LOPEZ, an alien, re-entered the United States after removal, in violation of Title 8, U.S.C. § 1326(a).

3. On February 21, 2019, I received information that RODRIGUEZ-LOPEZ had been arrested on February 15, 2019 by the Philadelphia Police Department and charged under the alias “Rolfi Rodriguez” with Corrupt Organizations, Manufacturing, Delivery, or Possession with the Intent, and Possessing an Instrument of Crime, among other charges . Based on my training and experience, I know that any time a police department or other law enforcement agency runs the fingerprints of any alien, that is, an individual who is not a United States citizen or national, and who has previously been encountered by ICE or another immigration agency, ICE receives electronic notification of this fact along with any match to the alien’s known fingerprint identification number. On February 14, 2019, I reviewed the electronic notification

showing that the Philadelphia Police Department had recently run RODRIGUEZ-LOPEZ's fingerprints, which suggested that RODRIGUEZ-LOPEZ, with FBI#295076CD5, had been encountered by the Philadelphia Police Department.

4. On February 21, 2019, I conducted a check in the National Crime Information Center ("NCIC") database for RODRIGUEZ-LOPEZ's criminal history, as well as his immigration history. Under the FBI number provided (295076CD5), I discovered that RODRIGUEZ-LOPEZ had a previous encounter with Customs and Border Protection. Further checks in ICE's Enforcement Alien Removal Module ("EARM") database were conducted for RODRIGUEZ-LOPEZ's immigration history in the United States. I found that RODRIGUEZ-LOPEZ had been arrested by Customs and Border Protection on October 18, 2013, and was served with a Notice to Appear. On October 28, 2013, RODRIGUEZ-LOPEZ was ordered removed from the United States pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended. RODRIGUEZ-LOPEZ was thereafter removed from the United States pursuant to that order on December 3, 2013. RODRIGUEZ-LOPEZ again unlawfully entered the United States and was arrested by U.S. Border Patrol agents on April 10, 2014. RODRIGUEZ-LOPEZ was convicted in the United States District Court in the Northern District of New York for a violation of Title 8, United States Code, Section 1326(a) and sentenced to a term of imprisonment of 8 months. RODRIGUEZ-LOPEZ's removal order was also reinstated. RODRIGUEZ-LOPEZ was removed for the second time from the United States on January 20, 2015.

5. Based on my training and experience, I know that ICE maintains a file on all aliens encountered by ICE. This file, known as the Alien File ("A File"), contains documentation relating to the alien, including his/her photograph, warrants of deportation,

fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents. Each alien is assigned an identification number, referred to as the "Alien Number." A Search of ICE/DHS databases revealed that ROLFI AMBIORIX RODRIGUEZ-LOPEZ has been assigned Alien Number 098 375 468.

6. On February 21, 2019, based on my investigation and review of DHS's electronic databases I have made the following conclusions:

- a. RODRIGUEZ-LOPEZ is a citizen and national of Dominican Republic.
- b. This Affidavit and the Complaint to which it is attached correctly reflect RODRIGUEZ-LOPEZ's name.
- c. On October 18, 2013, RODRIGUEZ-LOPEZ was served a Notice to Appear and was ordered removed pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended.
- d. The United States, pursuant to a "Notice to Alien Ordered Removed/Departure Verification" removed RODRIGUEZ-LOPEZ on December 3, 2013, through New Orleans, LA to Dominican Republic.
- e. On April 10, 2014, RODRIGUEZ-LOPEZ re-entered the United States without having obtained the advanced permission of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to reply for admission. A notice of Intent/Decision to Reinstate Prior Order was served on RODRIGUEZ-LOPEZ.
- f. On October 7, 2014, RODRIGUEZ-LOPEZ was convicted of Illegal Re-Entry of an Alien Previously Convicted of a Felony 8 USC 1326(a) and (b)(1), in the United States District Court for the Northern District of New York. On October 7, 2014, RODRIGUEZ-LOPEZ was sentenced to 8 Months.

g. The United States, pursuant to a “Warrant of Deportation/Removal,” again removed RODRIGUEZ-LOPEZ on or about January 20, 2015, through New Orleans, LA, to the Dominican Republic.

h. A search of ICE databases revealed that RODRIGUEZ-LOPEZ did not seek permission of the United States Attorney General, or his successor, the Secretary of the Department of Homeland Security, to re-enter as required by 8 U.S.C. § 1360(d).

i. RODRIGUEZ-LOPEZ, at some point after his January 2015 removal, illegally re-entered the United States and has been located in this district, as his fingerprints connected to a male who identified himself as “Rolfi Rodriguez” were queried by Philadelphia Police who have arrested “Rolfi Rodriguez” on narcotics and other charges. “Rolfi Rodriguez” is presently located in city custody in this district and this affiant seeks a warrant so as to lodge a warrant with city officials and transfer RODRIGUEZ-LOPEZ for prosecution on federal charges.

7. Based on all of the foregoing, I respectfully submit that the facts set forth in this Affidavit demonstrate that there is probable cause to conclude that ROLFI AMBIBORIX RODRIGUEZ-

LOPEZ illegally re-entered the United States after removal in violation of 8 U.S.C. § 1326(a). I therefore respectfully ask that the Court issue a warrant ordering his arrest for such crime.



ALEXANDER DIMEDIO
Deportation Officer
Immigration and Customs Enforcement

Sworn To And Subscribed Before Me
This 22nd day Of February 2019.



HONORABLE MARILYN HEFFLEY
United States Magistrate Judge